

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1422 -- APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**WBR 1422****PART WBR 1422****APPLICATION OF LABOR LAWS TO
GOVERNMENT ACQUISITIONS****TABLE OF CONTENTS****SUBPART 1422.4 -- LABOR STANDARDS FOR
CONTRACTS INVOLVING CONSTRUCTION**

WBR 1422.406	Administration and enforcement.
WBR 1422.406-2	Wages, fringe benefits, and overtime.
WBR 1422.406-8	Investigations.
WBR 1422.406-9	Withholding from or suspension of contract payments.
WBR 1422.406-10	Disposition of disputes concerning construction contract labor standards enforcement.
WBR 1422.406-13	Semiannual enforcement reports.

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1422 -- APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

WBR 1422.406-13

SUBPART WBR 1422.4 -- LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

WBR 1422.406 Administration and enforcement.

WBR 1422.406-2 Wages, fringe benefits, and overtime.

If as described in FAR 22.406-2(b)(2), the interested parties cannot agree on the cash equivalent, the CO shall submit the question for final determination through the BPC to the DOL.

WBR 1422.406-8 Investigations.

Pursuant to DIAR 1422.406-8, the CO's report of labor violations shall include the following:

- (a) Standard Form 1446, Labor Standards Investigation Summary Sheet, signed by the CO;
- (b) The narrative report containing:
 - (1) The alleged violation;
 - (2) The CO's preliminary findings;
 - (3) A statement as to the receipt and/or disposition of any contractor rebuttal to the preliminary findings;
 - (4) The CO's final findings;
 - (5) A statement as to whether the contractor has accepted the CO's findings and has paid any restitution of wages, benefits, or liquidated damages pursuant to FAR 22.406-8(d);
 - (6) A statement regarding the withholding of funds, justification of amount withheld, and their disposition; and
 - (7) Recommendations as to the disposition or further processing of the case.
- (c) The following information shall be included as exhibits to the report, as applicable:
 - (1) Investigator's report;
 - (2) Copy of contractor's written rebuttal or a summary of the oral rebuttal of the CO's findings;
 - (3) Copies of correspondence between the contractor and the CO, including a statement of specific violations found, corrective action requested, and contractor's letter of acceptance or rejection;
 - (4) A listing of affected employees and amount due to each employee;
 - (5) Evidence of payment by the contractor of restitution or liquidated damages, such as copies of receipts, canceled checks, or supplemental payrolls; and
 - (6) Correspondence from the contractor requesting relief from the liquidated damages provisions of the CWHSSA.

WBR 1422.406-9 Withholding from or suspension of contract payments.

(a) As required by DIAR 1422.406-9(c)(4), funds withheld under FAR 22.406-9(c) for wage underpayments shall be disposed by --

(1) Transfer of funds to the General Accounting Office for disbursement to affected employees when the contractor concurs with the CO's findings and provides written authorization, or the DOL authorized the payment of wages under subparagraph (a)(2) below;

(2) Payment of withheld funds shall be released to the contractor when the contractor complies with the CO's findings and provides proof of restitution to all affected employees, or the CO concurs with the contractor that no back wages are due.

(b) When the contractor disputes the CO's findings and appeals to DOL (see FAR 52.222-41), the CO prepare the report required by WBR 1422.406-8(b) for transmittal to DOL. After the dispute is transmitted to DOL, the CO shall not release or reduce the funds withheld until such authorization is received from DOL.

(c) Funds withheld or collected for liquidated damages under the CWHSSA not used to pay delinquent wages shall be deposited in the U.S. Department of the Treasury through Finance and Accounting Services, Operations Group, D-7730.

WBR 1422.406-10 Disposition of disputes concerning construction contract labor standards enforcement.

The CO shall follow the procedures outlined in FAR 22.406-8(d) and shall submit the required documents to the BPC with a request to forward the dispute to the Administrator, Wage and Hour Division, DOL for disposition.

WBR 1422.406-13 Semiannual enforcement reports.

The report required by FAR 22.406-13 shall be submitted to the BPC by April 10 and October 10 for the reporting periods of October 1, through March 31, and April 1 through September 30, respectively.